

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FREDERICK COLLINS,)	
Petitioner,)	
)	
vs.)	Civil Action No. 17-619
)	
THE ATTORNEY GENERAL OF THE)	
STATE OF PENNSYLVANIA,)	
Respondent.)	

ORDER

AND NOW, this 29th day of June, 2017, after the petitioner, Frederick Collins, filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the petitioner a period of time after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the petition and upon consideration of the Magistrate Judge's Report and Recommendation (ECF No. 5), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner (ECF No. 3) is dismissed without prejudice pending his exhaustion of available state court remedies and, because reasonable jurists could not conclude that a basis for appeal exists, a certificate of appealability is denied.

IT IS FURTHER ORDERED that the motion for appointment of counsel (ECF No. 4) is dismissed as moot.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc: Frederick Collins
#87391
Allegheny County Jail
950 Second Avenue
Pittsburgh, PA 15219